

(2014) 05 P&H CK 0210
In the Punjab And Haryana At Chandigarh
Case No : Criminal Misc. No. M-11225 of 2014

Puran Singh and Others

APPELLANT

Vs

State of Punjab and Others

RESPONDENT

Date of Decision : 20-05-2014

Acts Referred:

Constitution of India, 1950 — Article 142
Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 148, 149, 323, 324, 498-A

Citation : (2014) 05 P&H CK 0210

Hon'ble Judges : Inderjit Singh, J

Bench : Single Bench

Advocate : H.R. Bhardwaj, Advocate for Mr. J.S. Brar, Advocate and Mr. N.S. Chahal, Advocate for the Appellant; Sandeep Kumar Bansal, Assistant Advocate General, Punjab for Respondent-State and Mr. N.S. Chahal, Advocate for Respondent Nos. 2 and 3, Advocate for the Respondent

Final Decision : Allowed

Judgement

Inderjit Singh, J.—This petition has been filed u/s 482 Cr.P.C. praying for quashing of complaint No. 122-1/24.7.2007, RT No. 411A dated 8.8.2011 filed under Sections 323, 324, 506, 148 and 149 IPC (Annexure-P.1) and all subsequent proceedings thereto i.e. judgment of conviction and sentence dated 5.12.2012 (Annexure-P.2) passed by learned ACJM, Sri Muktsar Sahib in view of the compromise dated 23.11.2013 (Annexure-P.3).

2. The complaint has been filed by complainant-Santokh Singh against the petitioners alleging that the accused-petitioners attacked him with common intention to kill him. They inflicted injuries with their respective weapons. On his raising alarm, when his wife Manjit Kaur came there and tried to rescue him, the accused caught hold of her and gave beatings to her also. Thereafter, the petitioners were convicted and sentenced on 5.12.2012 for the offences under Sections 323, 148 and 149 IPC by learned Additional Chief Judicial Magistrate, Sri Muktsar Sahib. Appeal against this judgment has been filed by the

petitioners, which is pending for decision in the Court of learned Additional Sessions Judge, Sri Muktsar Sahib. Now with the intervention of the respectable persons and well wishers, a compromise has been arrived at in settling this dispute. The parties have decided to bury the hatchet. Compromise (Annexure-P.3) has been entered into in this regard.

3. Keeping in view the fact that the parties have entered into a compromise, they were directed to appear before learned Chief Judicial Magistrate, Sri Muktsar Sahib for getting their statements recorded in support of the compromise. After doing the needful, learned Chief Judicial Magistrate has sent her report dated 7.5.2014 submitting that the compromise arrived at between the parties appears to have been made voluntarily and without any pressure. Complainant Santokh Singh and his wife Manjit Kaur have stated that the matter has now been compromised without any pressure, coercion and undue influence with the intervention of the respectable of the society and they have no objection if the petition moved u/s 482 Cr.P.C. by the accused persons is allowed and the aforesaid complaint and subsequent proceedings are quashed.

4. Learned counsel for the petitioners has placed reliance on the judgment of Hon"ble Supreme Court in Dr. Arvind Barsaul etc. Vs. State of Madhya Pradesh and Another, , to contend that proceedings after conviction can be quashed. I have gone through this judgment, wherein the First Appellate Court rejected the compromise petition stating that the offence u/s 498-A IPC is not liable of compromise. The appellants being aggrieved from the said judgment of the First Appellate Court filed three separate petitions u/s 482 Criminal Procedure Code before the High Court for quashing the proceedings pending in the Court of Second Additional District & Sessions Judge, Gwalior. The High Court also declined to interfere in the matter. The appellants being aggrieved by the impugned judgment of the High Court have preferred the appeal. The Hon"ble Supreme Court has held that in the peculiar facts and circumstances of the case and in the interest of justice, continuation of criminal proceedings would be an abuse of the process of law. Therefore, in exercise of power under Article 142 of the Constitution, the criminal proceedings pending against the appellants emanating from the FIR were quashed.

5. Learned Assistant Advocate General, Punjab, on instructions from the Investigating Officer and learned counsel for the complainant-respondents No. 2 and 3 admit the factum of compromise and submit that in case the parties have indeed settled their dispute, the State would have no objection to the quashing of the proceedings pending in appeal and the complaint in view of the law laid down by the Hon"ble Supreme Court.

6. I have gone through the record and have heard learned counsel for the petitioners as well as learned Assistant Advocate General, Punjab and learned counsel for the complainant-respondents No. 2 and 3.

7. In a decision, based on compromise, none of the parties is a loser. Rather,

compromise not only brings peace and harmony between the parties to a dispute, but also restores tranquility in the society. After considering the nature of offences allegedly committed and the fact that both the parties have amicably settled their dispute, continuance of criminal prosecution would be an exercise in futility, as the chances of ultimate conviction are bleak.

8. The Hon"ble Supreme Court in Gian Singh Vs. State of Punjab and Another, , has held that the inherent jurisdiction of this Court u/s 482 Cr.P.C. can be exercised to quash the proceedings in respect of criminal cases arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry etc. or the family disputes where the wrong is basically private or personnel in nature and the parties have resolved their entire dispute even though they are not compoundable. Therefore, keeping in view the fact that the matter has been amicably settled and the law laid down in Gian Singh v. State of Punjab and another (supra) and Dr. Arvind Barsaul etc. v. State of Madhya Pradesh and another (supra), this petition is allowed and the proceedings i.e. judgment of conviction and sentence dated 5.12.2012 (Annexure-P.2) passed by learned ACJM, Sri Muktsar Sahib emanating from complaint No. 122-1/24.7.2007, RT No. 411A dated 8.8.2011 filed under Sections 323, 324, 506, 148 and 149 IPC (Annexure-P.1) are hereby quashed.